



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,208	07/08/2003	Geoffrey S.M. Hedrick	3190-53	1733
7590	10/31/2005		EXAMINER	
Lance J. Lieberman, Esq. Cohen, Pontani, Lieberman & Pavane Suite 1210 551 Fifth Avenue New York, NY 10176			HUYNH, BA	
			ART UNIT	PAPER NUMBER
			2179	
			DATE MAILED: 10/31/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/616,208	HEDRICK, GEOFFREY S.M.
	Examiner	Art Unit
	Ba Huynh	2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 August 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent application publication #2003/0132860 (Feyereisen et al).

- As for claims 1, 10: Feyereisen et al (herein Feyereisen) teach a computer implemented method and corresponding system for providing a contextual display of flight instruments to a user according to modes and phases of flight, allowing to set altitude, speed, and/or thrust parameters, etc... (0027, 0061, 0062), comprising the steps/means for:
 - manually manipulating by the user a control for one of adjusting data setting and selecting the data setting to be adjusted (inherently included in Feyereisen's teaching of setting parameters in each "mode" and "phase"),
 - sensing an event relating to flight operation (0027, 0062),
 - altering the display image of the data setting to a predetermined level to unambiguously direct the user attention to the image data setting to be adjusted (0064). It also inherently included in Feyereisen's teaching of contextually changing the instrument sizes according to mode and phase that the altered instrument image is

maintained during the sensed event, and reduced the altered image to a predetermined level when the sensed event ended.

It appears that the sensing an event related to flight operation inherently includes sensing user's manipulation of one of the instruments, e.g., setting altitude or speed (0062). Even if it is not, enlarging a display image responsive to sensing user manipulations is well known in the art of image display (See US 6,909,439, abstract).

It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known implementation of enlarging an image responsive to sensed user manipulation of the image to Feyereisen's teaching of contextual enlargement of the flight instruments. Motivation of the combine is for the ease and accuracy of user input parameters.

- As for claims 2, 11: Per Feyereisen, the altered image size can be 20% and not limited thereto (0064), i.e., it is a design preference to have the image size increased at any percentage. Thus having the image size become double would have been a design preference in light of Feyereisen.
- As for claims 3, 12: Feyereisen fails to clearly teach displaying a frame encircling the enlarged image to further emphasize the image. However, Official notice is taken that implementation of the frame encircling an image such as a highlighted border or a halo is well known in computer graphical user interface. It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known implementation of displaying a frame encircling the enlarged image to further emphasize the image.

- As for claims 4, 13: In view of the combined, the enlarged image includes an enlarged portion having parameter to be adjusted.
- As for claims 5, 14: Feyereisen fails to clearly teach displaying a frame encircling the enlarged portion of the image. However official notice is taken that implementation of displaying a frame encircling the enlarged portion of the image, such as selection or focus frame/rectangle is well known in the art. It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known implementation of displaying a selection or focus frame/rectangle encircle the enlarged image portion. Motivation of the combining is for focusing the user attention to the enlarged portion.
- As for claims 6, 15: The image data setting comprises alphanumeric setting adjustable within a predetermined range (e.g., altitude, direction, speed, thrust setting). Element 120, 128 include representations of portions of predetermined ranges proximate to alphanumeric values (fig. 3).
- As for claims 7, 16: The enlarged image is displayed overlaying with a degree of translucence overlaying another image allowing the other image to be viewed (fig. 3).
- As for claims 8, 9, 17, 18: It inherently included in Feyereisen's teaching of contextually changing the instrument sizes according to mode and phase that the altered instrument image is maintained during the sensed event, and reduced the altered image to a predetermined level when the sensed event ended (i.e., after the user exit the mode or phase). Implementation of allowing a time interval prior to

changing the image size would have been obvious to one of skill in the art for the obvious reason of allowing sufficient transition time.

- As for claim 19: The display comprises a flat panel display (0043).

Response to Arguments

2. Applicant's arguments filed 8/4/05 have been fully considered but they are not persuasive.

Remarks:

Claim 1 recites "manually manipulating, by the user, a control for one of adjusting the data setting and selecting the data setting to be adjusted". From the language of claim 1, "a control" is not necessarily an indicator or instrument as implied by the applicant. The "control" is disclosed by Feyereisen as control button 46 for selecting an operation "mode" wherein a vertical Speed indicator is displayed responsively for the pilot to manually adjust climb rate parameter (0013, 0014). Manually adjusting parameter setting in an aircraft is a well recognized operating procedure in an aircraft (see Feyereisen's incorporated by reference US6,216,064, 2:34-36). Per Feyereisen, each of the flight indicator can be displayed individually or as a group responsive to a selected mode (0062). In an example, an Altitude indicator is displayed with enlargement to emphasize needed information (0063).

In response to the argument that Feyereisen does not teach reducing the enlarged image when the sensed manipulating of the control is determined to have ceased, Feyereisen teaches that the image is contextually emphasized according to sensed mode, i.e., if the mode is changed

either by the user selection of another mode or by the aircraft entering another phase of the flight, the image return to normal display.

In response to the argument that Feyereisen does not teach the translucently overlying of the selected indicator, the limitation is disclosed in figure 3 wherein Altitude and Airspeed indicators are displayed translucently over background images.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

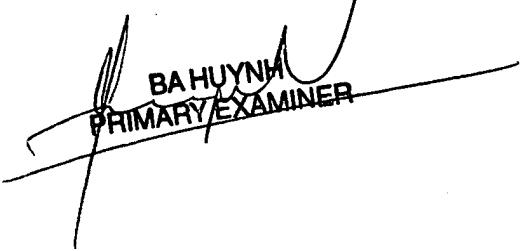
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

Art Unit: 2179

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary Examiner
AU 2179
10/27/05


BA HUYNH
PRIMARY EXAMINER